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**VIA ELECTRONIC FILING**

October 27, 2003

**EX PARTE**

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: *Ex Parte Presentation – In the Matter of Review of the Section 251 Unbundling  
Obligations of Incumbent Local Exchange Carriers,*  
CC Dkt. Nos. 01-338, 96-98, 98-147

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Dear Ms. Dortch:

Attached please find a written *ex parte* presentation, which is being filed electronically in each of the above-referenced dockets this day. Should you have any questions concerning this matter, please do not hesitate to contact the undersigned.

Respectfully submitted,

/s/

Mark J. O'Connor  
Counsel for EarthLink, Inc.

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**EX PARTE**

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Federal Communications Commission  
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445 12<sup>th</sup> Street, SW  
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Re: ALTS Motion for Extension of Comment Period -- *Ex Parte Presentation – In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Dkt. Nos. 01-338, 96-98, 98-147

Dear Ms. Dortch:

EarthLink files this response to the ALTS “Motion for Extension of Comment Period Regarding Petitions for Reconsideration” (filed Oct. 22, 2003) (“Motion”), which requests that the periods for opposition and reply on the petitions for reconsideration in the above-referenced dockets, including EarthLink’s petition (filed Oct. 2, 2003), be extended to December 9, 2003, and January 7, 2004, respectively. While EarthLink has no objection to the Motion as applied to BellSouth’s petition, the Motion offers no basis for delaying the pleading cycle for EarthLink’s petition. Indeed, given that EarthLink’s petition has been available via the FCC’s Electronic Comment Filing System since October 2, 2003, the opposition deadline of November 6, 2003, under Section 1.429 of the Commission’s rules provides all interested parties with more than ample time to respond.

One copy of this letter will be filed electronically this day in each of the above-referenced dockets. Please do not hesitate to call me if you have any questions.

Respectfully submitted,

/s/

Mark J. O'Connor  
Linda L. Kent  
Counsel for EarthLink, Inc.

CC: John Windhausen  
Jeffrey Linder